

FAMILY GROUP CONFERENCING AND CHILD PROTECTION MEDIATION: ESSENTIAL TOOLS FOR PRIORITIZING FAMILY ENGAGEMENT IN CHILD WELFARE CASES

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Family group conferencing (FGC) and child protection mediation maximize family engagement in child welfare cases by prioritizing families' roles in discussions and decisions. This article examines how FGC helps professionals to focus on family and community strengths, encourages family engagement, and provides targeted case plans for families and timely, permanent placements for children. It explores how courts and agencies use these interventions to empower families to contribute to resolutions in ways that are not possible in traditional litigation processes. These complementary processes help children and families by providing forums where families are allowed to make informed choices and take an active role in creating plans for their future.

Keywords: *family group decision making; alternative processes; child welfare; child protection mediation; empowerment; engagement; juvenile court*

Juvenile courts and child welfare agencies have struggled to find successful ways to protect children and help families for over 100 years. The adversarial nature of their interventions, the reluctance or inability of professionals to involve the family in the decision-making process, and the lack of responsiveness to the cultural and community perspectives of families in crisis have produced a broken child welfare system and unacceptable results for families. To address these inadequacies, jurisdictions across the United States, Canada, and other countries have started to utilize a variety of consensus-based, nonadversarial dispute resolution and decision-making processes. The most common of these processes are child protection mediation (CPM) and family group conferencing (FGC). Courts and agencies use these processes to help professionals engage families and children, increase the focus on family and community strengths, promote collaboration instead of adversarial relationships, and help children leave the foster care system and find permanency in a timely manner.

FGC refers to family-focused, strengths-oriented, and community-based processes where parents, older children, extended family members, social service professionals, and others gather and act collectively to work on problems and make decisions for and with families (Adams & Chandler, 2002; Chandler & Giovannucci, 2004; Connolly, 2004). FGC is the model that is used most frequently in the United States and other Western countries. FGC is not limited to child welfare; it has been used effectively in multiple types of cases including criminal, juvenile justice, and victim/offender negotiations (Connolly, 2004).

Mediation is frequently defined as a confidential process where an impartial third-party assists the parties to exchange information, develop underlying issues from stated positions,

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discuss their concerns, and collaborate to potentially create their own solutions. In CPM, parents, attorneys, other professionals, and in some cases children, young adults, other family members, and foster parents, gather to exchange information and work together to form an ongoing collaboration that is usually absent in the adversarial proceedings (Olson, 2004). CPM allows families and professionals to take time that is usually not available to them during the litigation process to identify issues important to the child and family and to create a case plan or placement agreement that is targeted and unique. When handled correctly, CPM empowers parents by engaging them in the decision-making process. It is an important tool that many jurisdictions have embraced. CPM is thoroughly reviewed, defined, and historically examined in other articles in this volume of *Family Court Review* (Edwards, 2009; Giovannucci & Largent, 2009; Mayer, 2009; Thoennes, 2009). The majority of CPM programs have been developed in court settings and FGC has usually been connected with child welfare agencies. As CPM, FGC, and other types of alternative programs have grown and become successful interventions for families, agencies and courts have expanded their programs and now rely on a variety of creative alternatives for their families (McHale, Robertson, & Clarke, 2009).

This article will define FGC as it is used in child welfare cases and describe how FGC and CPM actively encourage family engagement and positively impact outcomes for children (Lowry, 1997). The first section will focus on the origin and history of Family Group Decision Making (FGDM) processes. The second section will discuss the process components of FGC. The third section will distinguish between FGC and CPM and discuss how jurisdictions use these and a range of other processes to increase family engagement, move children to permanency, and resolve cases.

FGDM ORIGIN AND DEVELOPMENT

The concept of FGDM was developed in New Zealand. The Maori population is indigenous in New Zealand. Historically, Maori children made up a much larger percentage of the children in the New Zealand child welfare system than children in the general population. The child welfare system was affected by institutional racism (Kiro, 2006) and paternalistic organizational and professional practices (American Humane, 2008). In the late 1980s, the New Zealand government commissioned a report on the child welfare system to examine some of the major problems and suggest changes to social policies (Pakura, 2005).

The “Daybreak—Pua te Ata Tu” report revealed significant problems within New Zealand’s child welfare services (Department of Social Welfare, 1998). A major concern was the loss of cultural influence on the Maori children, who were most often placed with non-Maori families or in institutions (Pakura, 2005). The traditional place for children in Maori culture is in the center of a network of extended family. The wider family is responsible for all aspects of the child’s life, including instilling identity, safety, and meeting other basic needs (Kiro, 2006). The report’s examination of the child welfare analyses found them to be child focused, but lacking cultural and familial context. The report suggested that a new child welfare system should be developed that would be culturally informed and include aspects of traditional Maori decision making (Department of Social Welfare, 1998).

The Children, Young Persons, and Their Families Act of 1989 of New Zealand is the law based on these suggestions. The two core principles of the Act were: the interests of the child or young person are paramount and the family should participate in decision making

and be empowered to care for its children and its young people. New Zealand child welfare law and FGC principles share several key philosophies that were taken directly from Maori family principles. Those principles include the following:

- Extended families know their members best and are usually the best sources of expertise on what should be done about their children;
- Children are usually best cared for within their extended kin network;
- Extended families can create the sort of therapeutic conditions necessary in the rebuilding of damaged lives (Pakura, 2005).

The original FGC brought Maori traditions of extended family-centered meetings into the child welfare system and completely revised how child-related cases involving Maori children were handled by the New Zealand child welfare agency personnel (Connolly, 2004). Using these conferences increased the understanding of Maori traditions and cultures among the professionals who supervise these cases. After research and practice in New Zealand showed the success of the culturally sensitive and family-focused FGC, individuals and organizations from other countries began to adapt and incorporate the FGDM concepts into their own programs. As defined by American Humane, a U.S.-based organization that has done a tremendous amount of work to educate the public on FGC, the original philosophies that continue to be guiding principles include the following:

- There must be an independent coordinator responsible to convene the family group meeting with agency personnel;
- There must be adequate authority, time, and resources allocated to the family group meeting;
- The extended family groups must have an opportunity to meet, work through the information, and create a plan without professionals in the room;
- The family's plan should be the preferred plan of action whenever it meets the concerns of a court or agency; and
- The agency needs to provide the services and resources necessary to implement the plans created by the family and agreed to by the group (American Humane, 2008).

These elements are seen as imperative if a program is to maintain the original effectiveness seen in the New Zealand programs. The coordinator should not be a member of the agency that is overseeing the case so that there is no appearance that the agency is dictating the plan. In order to ensure that parents want to participate and that they do not feel coerced, the coordinator must be independent. It takes a long time and a lot of effort to convene these groups and, without adequate resources in time and funding and without the decisions of the group being respected and enforced, the FGC will not succeed. The families need to have enough information on which to formulate a viable plan. When families are strengthened by the support of their extended family and community members, and when they are fully informed and given the tools they need to reach a viable plan, agencies need to be comfortable giving them the time and space to do so. Agencies need to show that they are committed to FGC by working with the families, not imposing outside agendas on them, while also giving deference to family plans that provide for children's safety and adequate family services.

In addition to the five essential elements of successful FGC and plan implementation, there are also core values that should be considered when developing or implementing an

alternative intervention that will be defined under the FGDM umbrella. These values are consistent with the original Maori principles from New Zealand. They include the following:

- Children have a right to maintain their kinship and cultural connections throughout their lives;
- Children and their parents belong to a wider family system that both nurtures them and is responsible for them;
- Family groups know their own histories, and they use that information to construct thorough plans;
- The family group, rather than the agency, is the context for child welfare and child protection resolutions;
- Active family group participation and leadership are essential for good outcomes for children, but power imbalances between family groups and child protection agency personnel must first be addressed; and
- The state has a responsibility to recognize, support, and build the family group's capacity to protect and care for their young relatives (American Humane, 2008).

These values are often the cornerstones of FGC programs. Empowering families, encouraging agencies to recognize children in the context of their family, helping to resolve conflicts within a family and between family members and professionals, and focusing on the rights of children to maintain family ties where possible are all hallmarks of successful child welfare interventions. The values are also hard to maintain in an adversarial court system.

In order to effectively empower families, some FGC proponents feel there should always be family alone time in order to provide the family with autonomy and primary responsibility for the decisions that come from the meeting. Other advocates feel that family alone time is not essential and that for some families it is helpful or necessary for a professional to assist the family as the family sorts through all of the information. The original FGDM principles called for each family to spend part of the meeting time alone and during that time for the family to come up with a plan to address the concerns that brought the group together. This allows the family to work on resolving their issues while still providing for professional oversight of plans after the families have created them. Proponents of the original FGDM principles worry that the positive impact and success of FGDM will be diluted if the original concepts are abandoned in the new models. The issue of whether families are capable of making comprehensive plans that address the needs of the family and the concerns of court or agency personnel, without professionals in the room, is hotly debated (Merkel-Holguin, 2008).

Multiple types of family meetings are in use around the world. They are used in some manner by over 150 jurisdictions in the United States, all over Canada, and in several countries in Europe (Lowry, 1997; Merkel-Holguin, 2003). Some of these processes are very similar to the original FGC in New Zealand, while others are very different. Many FGC models are hybrids of the original process from New Zealand, which are modified for a particular population, type of case, or court or agency setting. In some jurisdictions, the model is a hybrid of FGC and other interventions because of cultural necessity, while in others, a program may be compiled without a lot of thought as to what the case criteria, education requirements, program rules, or cultural elements should include. Some programs are not provided with adequate resources to educate, bring families together, or implement the plans. Concerns about the changing aspects of new models have led to what some

proponents call “model drift.” They have pointed out that the failure to include critical elements of FGC makes these new processes qualitatively different than the original (Empowering Parents, 2003). Others suggest that adaptation is healthy and programs may need to be modified to fit their population. If a program is in a jurisdiction where there is multigenerational illegal drug or alcohol abuse, the model may have to be changed. It is important to note that most of the family meeting models, those with and without alone time, encourage families and professionals to work together to make decisions that will work specifically for the family in question. In most of these interventions, unlike in traditional social work, the professionals support, but do not dictate or direct the decisions (Lowry, 1997).

While this article cannot discuss all of the adaptations, it will identify several alternative programs that have been successful without the use of family alone time. Family Unity Meetings were developed in the state of Oregon. They have been described as problem-solving sessions that are facilitated by an impartial third party or the social worker. They follow an agenda that starts with an introduction of all the participants who describe their relationship to the child. There is usually no private family time; however, the involvement of the parents and other family members is prioritized (Empowering Families, 2003).

The Family Team Conference (FTC) model is a flexible, highly individualized, and needs-based approach to practice which focuses on neighborhood-based supports and the goal of identifying a “caring adult” to help the family maintain the changes they must accomplish. The goal is to provide significant flexibility. It relies upon community involvement and supports effective partnerships in the child welfare field between public and private providers, civic associations, faith-based groups, local businesses, and residents in pursuit of the common goal of keeping children safe and strengthening families within revitalized neighborhoods. FTCs are not used to develop case plans and there is no private family time in the model (Empowering Families, 2003) (see www.cssp.org for more information).

Family Team Meetings are focused on developing and maintaining positive relationships between biological and foster care families. The meetings take place right after placement and then as requested by a participant. These meetings are used primarily by Family to Family (F2F), a reform initiative funded by the Annie E. Casey Foundation. This initiative provides principles, strategies, and tools to help agencies deal with problems in child welfare systems. Among other goals, this program seeks to strengthen the network of families available to care for abused and neglected children in their communities (Empowering Families, 2003) (see www.aecf.org/initiatives/familytofamily for more information).

The Team Decision-Making (TDM) model is another variation of FGC primarily used by F2F sites. TDM is a facilitated process in which child welfare social workers, social work supervisors, parents, other family members, community members, and service providers gather so that social workers can make informed decisions and work with the other participants to reach consensus. TDM is used for early intervention in order to prevent removal or facilitate a kinship placement. The caseworker is able to propose a plan during the meeting and then the family is allowed to respond to the plan. Families may be offered private family time during a TDM in order to discuss the plan proposed by the social worker. It is important to note that private family time, when used in this model, does *not* empower the family to create its own draft of a case plan or safety plan, but rather to respond to and refine an agency-developed plan. This approach reduces families’ direct involvement in decision making (Empowering Families, 2003).

These meeting models are tools that agencies and courts may choose to rely upon to increase the involvement of families in the decision-making processes that affect them.

Depending upon the resources available, FGC or one of the other programs listed above may be the most effective tool in a particular setting. All of them create opportunities for families to connect with professionals in ways that are not usually possible in traditional agency practice or juvenile court litigation.

THE STRUCTURE OF FGC

FGDM processes change traditional child welfare practices by relying on family collaboration, promoting the children's safety within the family and cultural context, and building partnerships among the factions that develop in child welfare cases. These conferences change the nature of the professionals' work. Instead of relying on the professional's evaluation, families identify strengths and challenges and start to create their own solutions with the experts' experience and personal knowledge (Doolan, 2004). This causes the relationship between the family and the professionals to change and creates new tools for the professionals to use to help the family. FGC offers opportunities for families to come together with their support systems from extended family or the community and develop and implement plans that will address their familial strengths and challenges (Hudson, Galloway, Morris, & Maxwell, 1996). The success of FGC ultimately depends on the resources provided and the quality, experience, and skills of the coordinator and facilitator during the planning, conference and implementation stages.

A trained and independent coordinator is responsible for the FGC from the referral stage through the implementation of the plan. The coordinator starts by screening the referral to determine whether it is appropriate for a conference. A social worker will usually make the referral. Some of the family-specific issues that social workers focused on in the referral decision included the presence of an existing support network of extended family or friends, the ability to identify strengths within the family, and a willingness on the part of the family to try to work collaboratively to create a better family system or environment for the child(ren). In many jurisdictions a family may also request a referral (American Humane, 2008).

If the coordinator decides to proceed, he or she will work with the family to design the meeting according to the family's requests and culture. In some programs, FGC takes place at one point in the court process. In others, it may be requested or ordered at any time, prior to and during court proceedings. Arranging a meeting may take anywhere from 15 to 35 hours for each case. The planning and follow-up stages are important but the conference itself is crucial. During the meeting the stages include information sharing, family time, and negotiating the plan. The family and coordinator decide who will be invited to attend, where to hold the meeting, the time, food arrangements, and if there are any special traditions that the family wishes to incorporate into the meeting, such as songs or prayers (Kane, 2001). Usually the FGC coordinator meets with all possible attendees, individually or in groups, to describe the process and outline the concerns to be addressed by the plan. The coordinator is responsible for thoroughly preparing the family members and the professionals for the conference. The participants need to understand, before the conference, that the primary goal for everyone at the conference is to ensure the safety of the child. The coordinators may also discuss that the extended family and support network will share responsibility for the safety and care of the child.

While the coordinator is assisting the parents and family to plan the conference, the coordinator also needs to be aware of existing family dynamics that may cause the presence

of extended family members to act in a way that may marginalize or disempower the parent or parents. If there are issues that are preexisting between parents and their family, including anger and hostility over poor choices or rash actions, FGC may make relationships worse instead of creating an ongoing support system for parents and children. Some families have an extended family or a community, but they do not want to rely on them due to an uncomfortable relationship. The coordinator and facilitator need to be careful of the existence or development of problems within the family during the process. If parents have long-standing issues with family members, FGC may not be the right way to help the family. As mentioned earlier, if FGC is not appropriate, another type of family meeting might serve the family's needs.

Whether to proceed with the FGC is the decision of the coordinator. In most cases, FGC is an appropriate intervention for families. Some families have poor communication skills, have drifted apart, or have been unaware of the extent of the problems facing the parents in a case. FGC can help them work together. Communities may have untapped services or resources that are available for families in crisis. FGC is a great option for these families. Other parents who have no extended family may have church or community groups that could be their support system. Whether the issues in the case are neglect or abuse, if the family is capable of working together and formulating a plan that addresses the professionals' concerns about the long-term safety and permanency for the involved child, FGC is a valuable opportunity to closely examine the options that a family has and provides them with the chance to formulate that plan.

A variety of circumstances may lead a coordinator to conclude that it is not appropriate for a particular family to participate in FGC. Referral is not appropriate when there are questions of immediate safety or if there has not been enough investigation to know whether there is an immediate safety concern. Also, if there are no or very limited services or resources available to meet the needs of the family or no support system of family, friends, or community members that will be able to assist the parents, referral is not a good choice. Cases where there has been sexual abuse or abuse across multiple generations may not be appropriate for FGCs. If there are issues about a person's capacity to participate, and the process cannot be designed in a way that addresses those issues, an FGC may be inappropriate. Capacity to participate may be based on internal or external factors. Individuals may not be able to negotiate on their own behalf, or there may be relationship issues such as severe and/or ongoing domestic violence that make it unreasonable to conduct an FGC. In these cases, it is best to not refer the case to FGC. The parties may still be able to mediate, or participate in some other alternative process.

If the case is appropriate for a conference, the next important question is who should attend. The first essential stage is usually referred to as planning time. This is when the foundation of the conference is established. A coordinator must make every effort to gather people and data to help the family succeed. Usually the attendees are from two groups, family and professionals. The parents will work with the coordinator to identify members of the child's family who can help make a safety plan. The family is typically defined as the parents; however, the coordinator may consult with other family members if the parents consent. Some parents are resistant to wider family involvement, preferring to keep such matters private (Connolly, 2006). While the coordinator needs to respect the parents' wishes on attendees, the coordinator should also make an effort to work with the parents to include all those family or community members who have a connection with the child, whether they are actual family or are just treated as if they are family. Research has shown that the larger the group that meets, the more detailed the plan will be (Doolan, 2004). The best

judge of who constitutes the family are the family members themselves. Family may include the child, grandparents, aunts, uncles, cousins, and others on both sides of the family. It may also include community, church members, or friends who are considered family. This may lead to conflicts if the parents define family in different ways or if there are extended family members who should be included but have conflicts with the parents. If there are groups within a family that do not get along, the coordinator can work to make sure that there are negotiations or even a mediation to bring the family together as a unit before the FGC.

The professional group will include different members depending on the circumstances of the case. The social worker or case manager, attorneys, mental health professionals, educators, other service providers, and other people who are working with the family usually attend. It is important that the coordinator takes sufficient time to prepare the professionals who have not participated in FGC. The roles that the legal and social work professionals play in FGC are very different from their traditional roles. This may cause some conflict, some dissension, and even some sabotaging of the process, unless the coordinator and facilitator can head off the interference. Legal and social work professionals are used to running the show. Social workers traditionally treat patients and help them to find a future path. Lawyers provide legal guidance and help their clients navigate the legal system. In the FGC process, the lawyers and the social workers have to step back and let the clients lead. This can be difficult, especially if there is family time and the professionals think it is inappropriate or unnecessary for the family to create the plan. It is important that the facilitators work to prevent interference. They need to inform the professionals about how FGC is different from traditional practice and also how it has been shown to be very effective.

Cultural competence is an important component of the FGC process. The conference should reflect the family's cultural background and practices. The coordinator should work with the parents to learn the cultural values, modes of communication, and roles that the family relies upon in order for the coordinator to adequately prepare for and moderate the conference. This may include, for example, discussing with family members culturally appropriate ways to greet, seat, and refer to people; to conduct the discussion; to ask questions; and even to serve suitable refreshments.

The coordinator also works with the family to find a time and place that works for all the parties. There are usually libraries, town halls, community centers, or other neutral sites that are able to host the FGC. While in some programs FGC are held in family homes or in agency offices, these locales should be avoided if possible, unless they are strongly requested by the parties. Agency offices may be consciously or unconsciously intimidating to some family members, especially if they are currently involved in the child welfare system. Meetings at homes may put some people at ease, but it may make it hard for some of the family members to talk about potential concerns or problems with a placement or with a family member while they are in the home of a relative.

In some conferences, the coordinator will hand off the responsibilities of coordination and collaboration among the family and professionals in the meeting to a facilitator. The facilitator must be a highly skilled communicator who will be able to help the parties work together, keep the peace, and help move the discussions forward. They must be able to balance the concerns of the family and the concerns of the professionals.

After the planning process, the next stage is information sharing. During this part of the meeting the professionals and the family meet together, and the professionals share the information they have gathered about the family. Professionals are involved as information

providers only, and they should not attempt to make decisions or impose decisions upon the family. The coordinator/facilitator must manage the process to ensure that all relevant information is presented and shared with the family so they are capable of developing an appropriate plan that is acceptable to the agency or court professionals on the case. The agency or court personnel must agree to support the plan that the family develops as long as it addresses their concerns.

Under the FGDM philosophies, it is important that the family has private time away from the professionals to collaborate and develop their plan. Alone time provides the family with many opportunities which they may not have if the professionals are always in the room. Family members may be unwilling to ask questions, reveal concerns, and generally participate with the professionals in the room. In private, the family members may be able to have realistic discussions about the strengths and weaknesses of the parents, alternative caregivers, or the child's needs. The family must work together and plan for the future without the interference or dominance of professionals who may feel they know best. If the extended family is to provide ongoing support, the parents need to know how to communicate directly with them when issues arise in the future. Alone time also lets the family know that they have control over the plan. Family members are often the experts on their own family. In many families, children and their parents are the center of a larger group, either through familial, church, or community-based relationships. During the family alone time of an FGC, the group comes together to create a plan that will keep the child safe now and in the future. The extended family is usually more motivated than any professionals to care for and to protect its youngest members. When families are participating in the decision-making process, they have greater ownership of the plan and are more willing to make it work. Families have advantages over the professionals because they know both the strengths and weaknesses of the other family members. Families that have been adequately prepared by the coordinator and the facilitator are usually able to draft a plan that the professionals will approve. Families should be encouraged to produce a plan that will address the professionals' concerns, protect the child's safety now and in the future, and move the child out of the system in a timely manner.

The agreements or plans that are developed in family time are unique to the family situation. The plans depend on the circumstances, but they frequently include services for parents and children, temporary placement for the children, or for extended family members to move in to help with the children. The plan must be detailed with specific proposals to address concerns raised in the information stage. The negotiations among family members may be heated and there may be displays of anger and frustration. There may also be a failure by the family to reach a consensus on a plan. If there is hostility, the facilitator may be able to help resolve the issues. If the family group reaches an impasse, the professionals may be called in to help clarify options or to support the family as the plan is created. Because creativity is encouraged, facilitators and participants should be open to trying new strategies if the family is stuck. The plan should be written with specificity so that family members understand what is expected of them and in order for agency and court personnel to understand what is required of the system.

The next juncture of FGC is the negotiation component. Here, the parents present their plan to the professionals. If the parents and extended family were well informed about the parameters of the case and the options available, this period should move quickly. If, after the family presents the plan, there are concerns among the professionals, the group may send the family to meet privately again or they may work as a group to modify the plan. In

all cases the professionals have veto power, so there is a “safety net within which practical and manageable decisions can be made” (Doolan, 2004).

Finally, there is the implementation stage of the plan. It is crucial that programs have the resources to implement the plan. Many programs have limited resources that are stretched thin across many families. It is important for the professionals to acknowledge these limitations early in the FGC process. Where resources are scarce, the parents and family need to know this before they go into family time, so that the parents may offer a realistic proposal. The implementation phase can vary in length, depending on the contents of the plan.

The roles of the participants are as important as the phases of the conference. The professionals and family members must learn to work together. FGC encourages the professionals to highlight the families’ strengths and to help families acknowledge and work on their weaknesses. FGC helps caseworkers become a support for the family and not focus on their weaknesses. They get to be in a more helpful and supportive role with the family than in a traditional adversarial setting. FGC engages parents and children and encourages them to take active decision-making roles in their cases by drawing on family and community strengths while still addressing the family and individual weaknesses. FGC is a tool that bridges the divide between state and professional systems and informal family and community systems (Doolan, 2004).

One of the most frequent questions asked is whether children and young adults should participate. It is essential to have the voice of the child in the conference. This decision is dependent on the age of the child and the topics discussed. Programs usually include children older than 10, if the subject matter of the conference does not involve topics that are sensitive in nature. It is important that, when the children attend, they are a part of the decision-making process. Some programs have children attend for part of the conference or have the child talk to the coordinator, facilitator, caseworker, or their attorney and then that person participates on behalf of the child. The best way to determine whether it is proper for the child to participate is to consider what is in the child’s best interests, and for that the coordinator must talk with the child’s representative and the parties who know the child best. It is important that the child not be used by a participant in order to further their own agenda.

In order to engage children and young adults in the decision-making processes, the coordinator, facilitator, and the participants need to make room for the children’s perspectives in the discussions and decisions. Preparation is key for the facilitator who must help the young adults manage their expectations (Dawson & Yancey, 2006). If the children wants to participate, the facilitator should help them figure out what they want to ask for or what they want to say, while also helping them put their input into the context of the conference. Helping the child realize that the parties must all agree to any decisions and that the family dynamics may be intense may help the child to interact, without getting their hopes up for an unrealistic outcome. While there is the potential for the children who participate to be disappointed by the process or the outcome, the idea remains central to FGC practice that children and families have a fundamental right and responsibility to participate in decisions that affect them (Hudson, Galloway, Morris, & Maxwell, 1996). Beyond a right to participate, it is important that the young adults know that they have family members who care about them and want them to succeed.

In their article on youth participation, Dawson and Yancey (2006) have powerful quotations from young adults on their meetings. “I couldn’t believe they were all there, mainly just to see how I was doing” (p. 2). “Before, I thought my mom didn’t care about

me, but when the conference came she got to voice her concerns and I thought, 'Wow, she does care,' and it blew me away, and all my other family, too" (p. 2). For these children it was not the agreement or resolution that was the most important part, it was the realization of the family member's concerns. FGC works for families and especially for children because it allows them to be a part of the process in ways that are usually not possible in the adversarial litigation process.

Two programs that are great examples of FGC theory in practice are the 'Ohana Conferencing Project in Hawaii and the Illinois Family Conference Project. 'Ohana, loosely translated, means family. The foundation of 'Ohana conferencing is the idea that family should be defined broadly and openly in order to best support children and adults in crisis (Empowering Families, 2003). 'Ohana conferencing brings together extended family members because families know their own strengths and weaknesses better than professionals. Family cultures are very important in Hawaii and the child welfare system was able to turn to the extended family to support families in need. In 2003, the National Council of Juvenile and Family Court Judges did a comprehensive study of the 'Ohana program. The results of the study showed that the 'Ohana conferencing program is a relatively pure derivative of the family group conferencing model from which it developed and has a specific focus on community capacity building (Empowering Parents, 2003). While some changes, including using alone time with more regularity, were proposed, overall the evaluation focused on the many successes in the program. The 'Ohana conferences are successful for multiple reasons, including their commitment to cultural competency, the amount of planning and preparation before the conferences, the use of family time, and the implementation of the family's plan (Empowering Parents, 2003). This program focuses on community support and involvement with families. Building social networks helps a family follow a plan to bring their children home and will also provide a safety net after the court is no longer involved with the family (Empowering Parents, 2003).

In Illinois, Denise Kane, the Inspector General of the Illinois Department of Children and Family Services (D.C.F.S.), created the Illinois Family Conference Model. The model applied task-centered and mediation strategies to work with several well-defined categories of maltreating families before children are brought into D.C.F.S. custody. Active participation of the extended family in the development and implementation of child protection plans is a key feature of the approach (Kane, 2001). As in other FGDM programs, there was a tremendous amount of work done by professionals before FGC took place. In addition to planning the meeting, the professionals worked diligently to find all relevant medical, financial, and legal information. They shared their findings with the extended family in order to give them a foundation of knowledge from which to create a plan, but they did not make the plan. In some cases in the Illinois Family Conference Project, the families were reluctant to engage in family time and needed additional services before they were able to sit down with their extended family and work together. However, once they were able to come together and reach a decision, and that decision was endorsed and acted on by the professionals, they were happy that they had composed the agreement themselves (Kane, 2001).

These programs use different techniques to achieve the same goals. While the Illinois project relies on task based agendas, 'Ohana conferencing focuses on building community connections and long-term support for families. Other programs have their own adaptations that help target family needs within their community. A court or agency that is considering the use of one or more types of alternative resolution process also needs to know when they need to be adapted for the particular needs of their population.

FGC AND MEDIATION, COMPLEMENTARY ALTERNATIVES

FGC and CPM are the most common alternatives in a multitude of processes that help courts and agencies to empower families. These alternatives are complementary processes that help families. When professionals and families have a variety of programs to choose from, they are likely to find a process that meets their needs. All of these processes engage families, which allow the families and professionals to work together more than in traditional litigation. CPM, while empowering parents, is concerned with creating case plans and finding placements for children that guide them to permanency. The mediator relies on the professionals and the family to exchange information and create a plan that is in the best interests of the child. Jurisdictions handle implementation of mediation agreements in different ways. In many places, the plan is usually incorporated into a court order immediately after the mediation. Mediation does not include private time for families; however, the mediator may choose to meet individually with one or more parties in order to move the discussion forward. In FGC, the facilitator gives authority to the parents to create the plan and present it to the professionals. When it is a court-connected process, CPM may be more formal than FGC. Lawyers are usually an important part of CPM; they may be involved with FGC or they may not have a role in the process at all.

CPM and FGC both nurture creative resolutions that work for families. Empowered families that are capable of helping professionals identify issues and problem solve through comprehensive information sharing are essential to both of these voluntary and confidential processes. Techniques used by the facilitators in FGC and mediators in CPM help the parties communicate with one another, tell their stories, identify issues and concerns, develop ideas, and eventually craft agreements with the support of the professionals. When participants are involved in the decision-making process, they become interested in achieving the goals of the process (Baron, 1997). When parents help to develop a case plan and appropriate services for their family, they are more likely to take ownership of the plan and have been found to be more likely to comply with it (Thoennes, 1997).

CPM and FGC are successful interventions for families and child welfare systems because of the amount of family engagement, the collaboration between parties, and a multitude of other factors that are very different from the typical adversarial court process. By their nature, these interventions force a more thorough exchange of information between the family and the professionals. The discussions allow the participants to develop creative solutions based on the competencies and deficiencies unique to a family (Huntington, 2006; Firestone & Weinstein, 2004). Through the use of mediation and FGC, parties are better able to communicate, exchange information, and work together voluntarily and confidentially. Results have included less time in court, earlier permanence for children, more cooperation between parents and social work professionals, and less hostility and animosity between parents (Thoennes, 2002).

While parents and families succeed through the use of mediation or FGC process, FGC may provide important additional layers of family and community participation. Mediation is limited to immediate family and legal and social work professionals, though sometimes members of the extended family participate, especially when they are foster parents. Mediation is particularly appropriate when there are issues to be discussed between parents and professionals about services or treatment plans for parents, the capacity of the parents to provide a safe home, and what approach to permanency needs to be pursued. Mediation is also appropriate if there are important conflicts within the

family system that should be worked out before the family could effectively collaborate in FGC. FGC may be most appropriate when there is a need for additional resources available to the family or the limits on services provided by the state means that family or community members need to step in and provide assistance. It is also appropriate when parents indicate that they have the assistance and support of extended family to make or adhere to a plan.

In New Zealand the FGC process is unique, and not just because these ideas began in New Zealand, but because FGC is completely incorporated into the legal system. In the United States and Canada, where there is only one alternative process, it is more likely that mediation is the court-connected process. However, as mentioned earlier, a mix of FGC and other family-related processes are now used in the courts and in the child welfare agencies.

In some jurisdictions, FGC and CPM are part of a larger group of alternative services that are offered to families. The FGC and hybrid programs described above were all created to help families and to help courts and agencies deal with families. Other programs include a range of alternatives such as initial evaluations, pre-hearing mediation, and court conferences. Some of these programs are connected to court processes directly, while others are agency driven. Courts and agencies have realized that these programs work for families and that some families need higher levels of intervention than other families. For these families, there may be a need to explore counseling or therapeutic interventions before CPM or FGC take place. Some programs include family therapy within their FGC model. All of these tools help families who need assistance that is not usually available through the traditional litigation process.

CONCLUSION

The use of alternative resolution and decision-making processes is not an option for juvenile courts, it is a necessity. These processes help families by moving children to permanency in a timely manner, strengthening the family relationships and community support for the family, pointing out the importance of culture and family context, and focusing on each individual family in ways that the adversarial system is unable to do. Judge Leonard Edwards is a long-time supporter of alternative processes and he has pointed out that, by focusing on family strengths, the participants are able to find the solutions for the family (Edwards, 2009).

Another supporter of FGC, Judge Hoover, stated:

What court wouldn't want families, in partnership with their informal network and the formal system representatives, to engage in an FGC that results in a consensus-based and clear plan that meets the needs of everyone involved? Not only does it involve parents and family members in a way that is rare in mainstream practice, but it also limits or removes future legal arguments that can happen if parents don't understand what is expected of them or don't have the opportunity to be part of the planning process. Through FGC, it is the parent, with the extended family, who establishes largely what those expectations will be (Hoover, 2005, p. 3).

"I know of no other process that brings more enthusiasm, creativity, accountability, and involvement from caseworkers, community members, and, most important, family members" (Hoover, 2005, p. 2).

The support of these judges for the alternative processes in their jurisdiction is laudable and also necessary to the programs. The judiciary needs to lead the attorneys, social work professionals, and staff in support of alternative processes if they are to succeed. While there has been widespread praise for the results of mediation and alternative decision-making processes in child welfare cases, the programs themselves have faced many issues as they have developed. Support for programs, both systematic and monetary, has been problematic and inconsistent.

When new programs are developed, there must be more than adequate resources. The financial resources need to provide for the hiring of trained professionals as mediators, facilitators, and coordinators. The program personnel must understand the fundamental principles of the processes and be prepared to teach families and professionals about them. The FGC program budgets must allow these professionals to spend the large amount of time that is sometimes necessary to gather the extended family and/or community members who will be supporting the family, as well as the information needed to make a case plan. If there is more than one type of process available for families, then there should be an evaluation done to determine which process or processes will work best for a particular family. The staff must take the time to explain the fundamentals of the processes and help the family and professionals to understand what needs to be accomplished. Finally, and very significantly for long-term success, jurisdictions must ensure that there will be resources available for whatever services and plans the family and professionals decide are necessary (Doolan, 2004).

It is generally believed by advocates of FGC models, that if they change how the system responds to and works with children and families, they can change the experience of those families in the system, they can change the outcomes achieved through the system, and they can build individual, family, and community capacity to take responsibility for the care and safety of children (Empowering Families, 2003, p. 1).

It is necessary and possible to change the current adversarial litigation system to be more responsive to families. As more courts and agencies acknowledge the advantage of alternative processes and start to provide a range of alternatives for families, parents, and children, the system will change. Through these alternative processes, families are empowered to become self-reliant or to rely upon their extended families and communities. Instead of families being torn apart and feeling helpless when they become involved with the child welfare system, these processes are capable of bringing families together through culturally competent, contextual, and appropriate responses to the family crises. The child welfare system, including the courts and the agencies, must evolve to adequately address the needs of families. In order to respond to child maltreatment effectively, the systems must be able to support, engage, and empower families in ways that address the safety concerns of professionals. Courts and agencies should be required to provide a large variety of appropriate decision-making processes.

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